

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:

Clifton Lind et al.

Serial No.: 10/624,279

Filed: July 22, 2003

FOR: MULTIPLE VIDEO DISPLAY
GAMING MACHINE AND GAMING
SYSTEM

Group Art Unit: 3714

Examiner:
Binh An Duc Nguyen

Confirmation No.: 7465

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Commissioner for Patents
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APPELLANTS' REPLY BRIEF

This Reply Brief is filed pursuant to 37 C.F.R. §41.41 in response to the Examiner's
Answer (the "Answer") mailed April 17, 2007, regarding the above-identified application.
Appellants submit this Reply Brief within the two-month period following the mailing of the
Answer.

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I. ARGUMENT

1. Claims 5 and 27 stand rejected under 35 U.S.C. §112, second paragraph as being vague and indefinite.

2. Claims 1, 2, 4-6, 9-14, 16-21, 23, 26, and 27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application No. 2003/0064771 to Morrow et al. (the “Morrow reference” or “Morrow”) in view of U.S. Patent No. 6,620,047 to Alcorn et al. (the “Alcorn patent” or “Alcorn”).

The Appellants maintain all of the arguments set out in the Appellants’ Appeal Brief filed November 28, 2006 in the present case, and present the following additional arguments in view of the Answer.

A. CLAIMS 5 AND 27 ARE NOT VAGUE AND INDEFINITE UNDER 35 U.S.C. §112, SECOND PARAGRAPH

In view of the comments at page 8, lines 4-7 of the Answer, it is apparent for the first time in this case that the basis for the Section 112 rejection of claims 5 and 27 is that the Examiner is defining the entire structure below the plane indicated by reference arrow 16 in Appellants’ Figure 1 as the forwardly projecting ledge. The Appellants’ respectfully maintain that claims 5 and 27 are not vague and indefinite because the disclosure makes it clear that the forwardly projecting ledge is the surface to which reference arrow 16 points and not the entire cabinet structure below that surface. The Examiner’s definition of the lower portion of the cabinet as a “forwardly projecting ledge” is neither consistent with the disclosure nor consistent with the plain meaning of the term “ledge.”

1 The Appellants' disclosure at page 6, lines 1 and 2 describes the player control ledge as
2 extending transversely from the plane of the game video display (14 in Figure 1). This reference
3 to a transversely extending ledge is a reference to the planar surface indicated by arrow 16 in
4 Figure 1 and not the entire structure below the surface indicated by arrow 16. One cannot
5 reasonably describe the entire cabinet structure below the surface indicated at reference arrow 16
6 as extending transversely from the plane of the game video display. Furthermore, the disclosure
7 in the present case describes button 19 as being mounted on the ledge, but does not describe the
8 interface devices 20 as being mounted on the ledge (Spec. at p. 9, lines 15-16, and p. 10, lines 4-
9 8). This use of the term "ledge" is consistent with the normal definition of the word in this
10 context "a narrow flat surface or shelf." Webster's Ninth New Collegiate Dictionary, Merriam-
11 Webster, Inc., 1985. The entire structure below the surface indicated by reference arrow 16
12 cannot reasonably be considered a narrow flat surface or shelf.

13 For all of these reasons, the Appellants respectfully submit that claims 5 and 27 are not
14 indefinite under 35 U.S.C. §112, second paragraph. The Section 112 rejection of these claims
15 should be reversed.

16
17 B. THE ANSWER FAILS TO SET OUT A PRIMA FACIE CASE OF OBVIOUSNESS AS
18 TO CLAIMS 1, 6, AND 21

19 The Appellants note the comments set out at Section II of the Answer beginning at page
20 8. Nothing in these comments and nothing in the Final Office Action rejections address the fact
21 that neither of the cited references, that is neither Morrow nor Alcorn, discloses a player control
22 touch screen display mounted on a forwardly projecting ledge as required at element (d) of claim

1 1, element (a) of claim 6, and element (c) of claim 21. Because neither of the two references
2 combined to reject claims 1, 6, and 21 disclose the ledge-mounted player control touch screen
3 display required in these claims, the combination of the two references also cannot include the
4 feature. Furthermore nothing in the paragraph spanning pages 9 and 10 of the Answer and
5 nothing in the first full paragraph of page 10 of the Answer provides any reason apparent in the
6 prior art to replace the mechanical control buttons of Alcorn with a touch screen from Morrow or
7 any other prior art reference.

8 Because the proposed combination of references cited in the Final Office Action and
9 Answer fails to teach or suggest each element in claims 1, 6, and 21, the Appellants believe that
10 the rejection of claims 1, 6, and 21 and their respective dependent claims, is in error and should
11 be reversed.

12
13 C. THE ANSWER FAILS TO SET OUT A PRIMA FACIE CASE OF OBVIOUSNESS AS
14 TO CLAIM 14

15 Nothing in Section III beginning at page 10 of the Answer addresses the fact that neither
16 one of the references cited in the rejection of claim 14, that is, neither Morrow nor Alcorn,
17 discloses the displaying step set out at element (c) of claim 14. Specifically, Morrow and Alcorn
18 do not disclose displaying a third game presentation component on a third video display forming
19 a portion of a ledge extending from the plane of a second video display. Although Morrow
20 discloses a structure that accommodates one extra (a fifth) video display that may be used for
21 “any purpose,” it does not suggest using an extra video display as required in element (c) of

1 claim 14. Alcorn clearly discloses only mechanical buttons on the forwardly projecting ledge,
2 and thus cannot make up of the deficiency of Morrow as to claim 14.

3 The Appellants note the reference to a slant-top player control interface in a video game
4 system of Alcorn (Answer at p. 12, lines 6-14). However, only mechanical buttons are provided
5 on this "slant-top" in Alcorn. It is difficult to see how the Morrow reference, which also does not
6 disclose a ledge-mounted video display, could be combined with Alcorn to result in the multiple
7 display method required in claim 14, and particularly the displaying step set out at element (c).
8 Again, the Answer simply fails to indicate any apparent reason in the prior art to combine
9 Morrow and Alcorn and to make the additional modifications necessary to show all of the
10 displaying steps required in claim 14. The Answer merely states the conclusion that it would
11 have been obvious to make the combination and modifications.

12 Because the proposed combination of references cited in the Final Office Action and
13 Answer fails to teach or suggest each element in claim 14, the Appellants believe that the
14 rejection of claim 14 is in error and should be reversed.

15
16 D. THE ANSWER FAILS TO SET OUT A PRIMA FACIE CASE OF OBVIOUSNESS AS
17 TO CLAIM 16

18 With regard to the rejection of claim 16, the Answer again cites the disclosure in Morrow
19 that the gaming machine supports up to five video displays. However, Morrow does not disclose
20 displaying any game presentation through a series of four video displays arranged in columnar
21 fashion with each display extending across substantially the entire width of the front side of the
22 gaming machine.

1 The Appellants also note the quote from the present application at the bottom of page 14
2 of the Answer indicating that the present invention can be implemented with less than four video
3 displays. This disclosure in the present application is, however, not relevant to claim 16 which
4 does specifically require using four columnarly arranged video displays to produce the game
5 presentation.

6 With regard to the further comments regarding design choice at page 15 of the Answer,
7 the Appellants note again that merely stating that something is a matter of design choice does not
8 substitute for a prima facie showing of obviousness.

9 The Appellants also note the conclusion stated in the Answer in the paragraph spanning
10 pages 18 and 19. However, the Appellants can find no support for the conclusion either in the
11 quoted passage from Morrow at page 18 of the Answer, or elsewhere in the Answer.

12 Finally, with regard to the comments in the Answer from the fifth line of page 19 to the
13 bottom of page 20, the limitation set out in element (c) of claim 16 does not merely require
14 responding to any game presentation switching instructions. Rather, element (c) of claim 16
15 requires responding to the particular switching instruction produced as required at element (b) of
16 claim 16, thereby switching to that second game presentation.

17 Because the proposed combination of references cited in the Final Office Action and
18 Answer fails to teach or suggest each element in claim 16, the Appellants believe that the
19 rejection of claim 16 and its dependent claims, claims 17-20, is in error and should be reversed.

1 II. CONCLUSION

2 For all of these reasons and for the reasons set out in the Appellants' Brief, the Appellants
3 submit that the rejection of claims 1, 2, 4-6, 9-14, 16-21, 23, 26, and 27 is in error, and submit
4 that the claims are entitled to allowance. The Appellants therefore respectfully request that the
5 Board reverse the decision of the Examiner rejecting these claims.

6 Respectfully submitted,

7 The Culbertson Group, P.C.

8
9 Date: 18 June 2007

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